

Maxcess, Inc.

**Maxcess, Inc.**

Kentucky Tariff No. 2  
Original Title Page  
*Cancels Tariff No. 1 in its entirety*

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*Replaces Maxcess, Inc.'s Kentucky Tariff No. 1 in its entirety*

TELECOMMUNICATIONS TARIFF

OF

**Maxcess, Inc.**

This Tariff contains the service descriptions and rates applicable to the furnishing of resold telecommunications services offered by **Maxcess, Inc.** ("Maxcess") within the State of Kentucky.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

SEP 10 2000

FURTHER TO 807 KAR 5.011,  
SECTION 9 (1)  
BY: Stephen O. Bell  
SECRETARY OF THE COMMISSION

Issued: August 11, 2000

Effective Date: September 10, 2000

Issued By:

Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
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**CHECK SHEET**

The Title Page and pages listed below are inclusive and effective as of the date shown. Original and revised pages as named below contain all changes from the original tariff that are in effect on the date shown on each page.

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\* Indicates pages included with this filing.

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**EXPLANATION OF SYMBOLS**

The following are the only symbols used for the purposes indicated below:

**C** - Changed regulation.

**D** - Delete or discontinue.

**I** - Change Resulting in an increase to a Customer's bill.

**M** - Moved from another tariff location.

**N** - New

**R** - Change resulting in a reduction to a Customer's bill.

**T** - Change in text or regulation.

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**TARIFF FORMAT**

- A. Page Numbering** - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. Page Revision Numbers** - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc., the most current sheet number on file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the sheet currently in effect.
- C. Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 2.
  - 2.1.
  - 2.1.1.
  - 2.1.1.A.
  - 2.1.1.A.1.
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  - 2.1.1.A.1.(a).I.(i).
  - 2.1.1.A.1.(a).I.(i).(1).
- D. Check Sheets** - When a tariff filing is made with the Commission, an updated Check Sheet accompanies the tariff filing. The Check Sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new pages are added, the Check Sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (\*). There will be no other symbols used on this page if these are the only changes made to it (i.e., the format, etc. remain the same, just revised revision levels on some pages). The tariff user should refer to the latest Check Sheet to find out if a particular page is the most current on file with the Commission.

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## SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

**Access Line** - An arrangement which connects the Customer's location to a Maxcess, Inc. switching center or point of presence.

**Authorized User** - A person, firm, corporation, or any other entity authorized by the Customer to communicate utilizing the Carrier's service.

**Call** - A completed connection established between a calling station and one or more called stations.

**Called Party** - The person, individual, corporation, or other entity whose telephone number is called by the End User. For calls placed on an Collect Billing basis, the Called Party accepts responsibility for payment of the charges for use of services provided by Maxcess.

**Calling Card** - A proprietary calling card which is accessed by dialing a company-provided access number.

**Commission** - refers to the Kentucky Public Service Commission.

**Company or Carrier** - Maxcess, Inc. unless otherwise clearly indicated by the context.

**Customer** - The person, firm, corporation, or other entity which orders, cancels, amends, or uses service and is responsible for payment of charges and compliance with the Company's tariff.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, *cont'd.***

**End User** - Any person, firm, corporation, partnership or other entity which uses the services of the Carrier under the provisions and regulations of this tariff. The End User is responsible for payment unless the charges for the services utilized are accepted and paid by another Customer.

**Incomplete Call** - A call in which no called station was reached by the caller (i.e. busy signal or no answer).

**LATA** - Local access and transport area. A geographic area established by the US District Court for the District of Columbia in Civil Action No. 17-49, within which a local exchange Company provides communications services.

**LEC** - Local Exchange Company

**Maxcess** - Maxcess, Inc. unless otherwise specified in this tariff.

**Premises** - A building or buildings on contiguous property.

**Presubscribe** - A method used to identify Maxcess, Inc. as the Customer's primary interexchange carrier and provide the Customer with direct dial "1+" long distance calling on Maxcess, Inc.'s network.

**Subscriber** - See Customer.

**Switched Access** - A method for reaching the Company through the local switched network whereby the Customer uses standard business or residential local lines.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, *cont'd.***

**Term Commitment** – Customer who commits to using the carrier's service for a specified time may be eligible for lower rates. Rates may be used on length of term and volume.

**Term Discount** – Specified discounts the carrier may provide a customer who commits to using certain carrier services for a specified period of time.

**Terminal Equipment** - Telecommunications devices, apparatus and associated wiring on the premises of the Customer.

**Underlying Carrier** – The facilities based interexchange carrier or carriers from whom Maxcess Inc. purchases Long Distance Service.

**V & H Coordinates** - Geographic points which define the originating and terminating points of a call in mathematical terms so that the airline mileage of the call may be determined. Call mileage is used for the purpose of rating calls.

**Volume Discounts** – Specified service offering by which the Carrier offers discounts based upon monthly usage or billing volume.

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## SECTION 2 - RULES AND REGULATIONS

### 2.1 Undertaking of the Company

Maxcess is a common carrier providing intrastate direct dialed and Calling Card services to Customers within the State of Kentucky. Maxcess' services and facilities are furnished for communications originating at specified points within the State of Kentucky under terms of this Tariff.

Maxcess provides for the installation, operation, and maintenance of the communications services provided herein in accordance with the terms and conditions set forth under this Tariff. Maxcess may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities, when authorized by the Customer, to allow connection of a Customer's location to the Maxcess services. The Customer shall be responsible for all charges due for such service arrangement.

The Company's services are provided on a monthly basis unless otherwise provided, and are available twenty-four (24) hours per day, seven (7) days per week.

### 2.2 Applicability of Tariff

This Tariff is applicable to telecommunications services provided by Maxcess within the state of Kentucky.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.*****2.3 Payment and Credit Regulations****2.3.1 Payment Arrangements**

The Customer is responsible for payment of all charges for services and equipment furnished to the Customer for transmission of calls via the Company. The Customer agrees to pay to the Company or its authorized agent any cost(s) incurred as a result of any delegation of authority resulting in the use of his or her communications equipment and/or network services which result in the placement of calls via the Company. The Customer agrees to pay the Company or its authorized agent any and all cost(s) incurred as a result of the use of the service arrangement, including calls which the Customer did not individually authorize.

All charges due by the Customer are payable to the Company or any agency duly authorized to receive such payments. Terms of payment shall be according to the rules and regulations of the agency and subject to the rules of regulatory agencies, such as the Kentucky Public Service Commission. Any objections to billed charges must be promptly reported to the Company or its billing agent. Adjustments to Customers' bills shall be made to the extent that circumstances exist which reasonably indicate that such changes are appropriate.

Charges for installations, service connections, moves, and rearrangements, where applicable, are payable upon demand by the Company or its authorized agent. The billing thereafter will include recurring charges and actual usage as defined in this Tariff.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.*****2.3 Payment and Credit Regulations, *cont'd.*****2.3.2 Deposits**

The Company reserves the right to examine the credit record of the Customer, using any lawful sources for determining credit standing. If the Customer's financial condition is unknown or unacceptable to the Company, the Customer may be required to provide the Company with a security deposit which the Company may apply against overdue charges. The amount of the security deposit shall be equal to three months' estimated usage but may vary with the Customer's credit history and projected usage. The Customer shall be apprized that after one year of service the Account shall be reviewed, and in the event that all amounts due have been paid within the terms and conditions of this tariff, the deposit shall be refunded in full with interest as required by law or regulations. If subsequent payment or usage patterns change, the Company may request an increase in or resubmission of the security deposit as appropriate. The Company may also require a security deposit before service is restored (along with the payment of overdue charges) from the Customer whose service has been discontinued for nonpayment of overdue charges. Such security deposit may be based on a new credit history (taking into account the discontinuance of service) and estimates of usage.

Interest on deposits held will be paid annually at the interest rate prescribed by KRS 278.460, unless the Customer's account is delinquent on the anniversary date of the deposit. Interest may be paid by refund or credit to the Customer's bill.

The fact that a security deposit has been made in no way relieves the Customer from the prompt payment of bills upon presentation.

**2.3.3 Advance Payments**

For Customers whom the Company determines an advance payment is necessary, the Company reserves the right to collect an amount not to exceed one (1) month's estimated charges as an advance payment for service. This will be applied against the next month's charges and a new advance payment may be collected for the next month.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.*****2.3 Payment and Credit Regulations, *cont'd.*****2.3.4 Commercial Credit Card Payment Option**

Customers may choose to pay monthly bills via certain commercial credit cards accepted by the Company. Credit Card billed Customers will receive monthly call detail statements, which are separate from the credit card bills. If the Customer's credit card company rejects billing, the Company will make three attempts - two by telephone and one by mail - to contact the Customer for alternative payment arrangements. If alternative payment arrangements are not made in seven days, the Customer's long distance service is discontinued.

**2.3.5 Payment Due Date and Late Payment Charges**

All bills are due upon receipt. Any bill outstanding and unpaid more than thirty (30) days after the date the bill is postmarked, shall be considered past due. A late payment fee of 1.5% per month will be applied to any past due balance. A penalty charge will not be applied to a prior penalty amount.

**2.3.6 Return Check Charge**

A return check charge of \$25.00 or 5% of the balance due (whichever is greater) will be assessed for checks returned for insufficient funds. Any applicable return check charges will be assessed according to the terms and conditions of the billing entity (i.e. local exchange company and/or commercial credit card company) and pursuant to Kentucky law and Kentucky Public Service Commission regulations.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.***

**2.4 Taxes and Fees**

- 2.4.1** For Debit Card calls, if offered, state and local taxes are included in the stated rates in this tariff. For all other calls, state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed as separate line items on the Customer's bill and are not included in the quoted rates and charges set forth in this tariff.
- 2.4.2** To the extent that a municipality, other political subdivision or local agency of government, or Commission imposes upon and collects from the Company a gross receipts tax, occupation tax, license tax, permit fee, franchise fee, or regulatory fee, such taxes and fees shall, insofar as practicable and allowed by law, be billed pro rata to Customers receiving service from the Company within the territorial limits of such municipality, other political subdivision or local agency of government.
- 2.4.3** The Company may adjust its rates and charges or impose additional rates and charges on its Customers in order to recover amounts it is required by governmental or quasi-governmental authorities to collect from or pay to others in support of statutory or regulatory programs. Such adjustments shall be listed in this tariff.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.*****2.4 Taxes and Fees, *cont'd.*****2.4.3 *cont'd.*****A. Pay Telephone Surcharge**

In order to recover the Company's expenses to comply with the FCC's pay telephone compensation plan effective on October 7, 1997 (FCC 97-371), an undiscountable per call charge is applicable to all interstate, intrastate and international calls that originate from any domestic pay telephone used to access the Company's services. The Pay Telephone Surcharge, which is in addition to standard tariffed usage charges and any applicable service charges and surcharges associated with the Company's service, applies for the use of the instrument used to access the Company service and is unrelated to the Company's service accessed from the pay telephone.

Pay telephones include coin-operated and coinless phones owned by local telephone companies, independent companies and other interexchange carriers. The Pay Telephone Surcharge applies to the initial completed call and any reoriginated call (i.e., using the "#" symbol).

Whenever possible, the Pay Telephone Surcharge will appear on the same invoice containing the usage charges for the surcharged call. In cases where proper pay telephone coding digits are not transmitted to the Company prior to completion of a call, the Pay Telephone Surcharge may be billed on a subsequent invoice after the Company has obtained information from a carrier that the originating station is an eligible pay telephone.

The Pay Telephone Surcharge does not apply to calls placed from pay telephones at which the Customer pays for service by inserting coins during the progress of the call.

Rate per Call

\$0.26 PUBLIC SERVICE COMMISSION  
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**SECTION 2 - RULES AND REGULATIONS, *cont'd.*****2.5 Refunds or Credits for Service Outages or Deficiencies****2.5.1 Interruption of Service**

Credit allowances for interruptions of service which are not due to the Company's testing or adjusting, to the negligence of the Customer, or to the failure of channels, equipment or communications systems provided by the Customer, are subject to the general liability provisions set forth in Section 2.6 herein. No credit is issued for outages less than ½ hour in duration. Credit for outages greater than ½ hour in duration is issued for fixed recurring monthly charges only. Outage credits are calculated in thirty minute intervals. The amount of the credit is determined by pro-rating the monthly recurring charge for the time of the outage (in thirty-minute intervals). It shall be the obligation of the Customer to notify the Company immediately of any interruption in service for which a credit allowance is desired by Customer. Before giving such notice, the Customer shall ascertain that the trouble is not within his or her control, or is not in wiring or equipment, if any, furnished by the Customer and connected to the Company's terminal. Interruptions caused by Customer-provided or Company-provided automatic dialing equipment are not deemed an interruption of service as defined herein since the Customer has the option of using the long distance network via local exchange company access.

Credit allowances for interruptions of service billed on a usage basis shall be limited to the rate applicable to the initial period of the call to compensate for re-establishment of the connection.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.*****2.5 Refunds or Credits for Service Outages or Deficiencies, *cont'd.*****2.5.2 Inspection, Testing and Adjustment**

Upon reasonable notice, the facilities provided by the Company shall be made available to the Company for such tests and adjustments as may be deemed necessary for maintenance in a condition satisfactory to the Company. No interruption allowance will be granted for the time during which such tests and adjustments are made.

**2.6 Liabilities of the Company**

**2.6.1** The liability of the Company for any claim or loss, expense or damage (including indirect, special, or consequential damage) for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this Tariff shall not exceed an amount equivalent to the proportionate charges to the Customer for the period of service or the facility provided during which such interruption, delay, error, omission, or defect occurs.

**2.6.2** The Company shall not be liable for any claim or loss, expense, or damage (including indirect, special, or consequential damage), for any interruption, delay, error, omission, or other defect in any service facility, or transmission provided under this Tariff, if caused by any person or entity other than the Company, by any malfunction of any service or facility provided by any other carrier, by any act of God, fire, war, civil disturbance, or act of government, or by any other cause beyond the Company's direct control.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.*****2.6 Liabilities of the Company, *cont'd.***

- 2.6.3** The Company shall not be liable for, and shall be fully indemnified and held harmless by Customer or other users of its service against any claim or loss, expense, or damage, (i) for defamation, invasion of privacy, infringement of copyright or patent, unauthorized use of any trademark, trade name, or service mark, unfair competition, interference with or misappropriation or violation of any contract, proprietary or creative right, or any other injury to any person, property, or entity arising from the material data, information, or content revealed to, transmitted, processed, handled, or used by Company under this Tariff, or (ii) for connecting, combining, or adapting Company's facilities with Customer's apparatus or systems, or (iii) for any act or omission of the Customer, or (iv) for any personal injury or death of any person, or for any loss of or damage to Customer's premises or any other property, whether owned by Customer or others, caused directly or indirectly by the installation, maintenance, location, condition, operation, failure or removal of equipment or wiring provided by the Company if not directly caused by negligence of the Company.
- 2.6.4** The Company will provide credit on charges disputed by Customer in writing that are verified as incorrect by Company. If objection in writing is not received by Company within a reasonable period of time after bill is rendered (as determined by current law and regulatory policy), the account shall be deemed correct and binding upon the Customer.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.*****2.7 Refusal or Discontinuance by Company**

- 2.7.1** Service may be suspended by the Company, without notice to the Customer, by blocking traffic to certain cities or NXX exchanges, or by blocking calls using certain Customer travel cards when the Company deems it necessary to take such action to prevent unlawful use of its service. Maxcess will restore services as soon as it can be provided without undue risk, and will upon request by the Customer, assign new travel card codes to replace ones that have been deactivated.
- 2.7.2** Maxcess may refuse or discontinue service under the following conditions provided that, unless otherwise stated, the Customer shall be given notice to comply with any rule or remedy any deficiency:
- A.** For non-compliance with or violation of any State, municipal, or Federal law, ordinance or regulation pertaining to telephone service.
  - B.** For use of telephone service for any purpose other than that described in the application.
  - C.** For neglect or refusal to provide reasonable access to Maxcess or its agents for the purpose of inspection and maintenance of equipment owned by Maxcess or its agents.
  - D.** For noncompliance with or violation of Commission regulation or rules and regulations on file with the Commission.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.*****2.7 Refusal or Discontinuance by Company, *cont'd.*****2.7.2 *cont'd.***

- E.** For nonpayment of bills, provided that suspension or termination of service shall not be made without five (5) days written notice to the Customer, except in extreme cases. Such notice will be provided in a mailing separate from the Customer's regular monthly bill for service.
- F.** Without notice in the event of Customer or Authorized User use of equipment in such a manner as to adversely affect Maxcess' equipment or service to others.
- G.** Without notice in the event of tampering with the equipment or services owned by Maxcess or its agents.
- H.** Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of service, Maxcess may, before restoring service, require the Customer to make, at his or her own expense, all changes in facilities or equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the loss in revenues resulting from such fraudulent use.
- I.** Without notice by reason of any order or decision of a court or other government authority having jurisdiction which prohibits Company from furnishing such services.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.***

**2.8 Limitations of Service**

- 2.8.1** Service will be furnished subject to the continuing economic availability of the necessary facilities and/or equipment and subject to the provisions of this Tariff.
- 2.8.2** Maxcess reserves the right to discontinue furnishing service, upon written notice, when necessitated by conditions beyond its control, or when the Customer is using the service in violation of the provisions of this Tariff, or in violation of law.
- 2.8.3** The Company does not undertake to transmit messages, but offers the use of its facilities when available, and will not be liable for errors in transmission or for failure to establish connections.
- 2.8.4** Maxcess reserves the right to discontinue the offering of any service with proper notice or deny an application for service if a change in regulation materially and negatively impacts the financial viability of the service in the best business judgment of the Company.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.*****2.9 Use of Service**

Service may be used for any lawful purpose for which it is technically suited. Customers reselling or rebilling Maxcess' Kentucky intrastate service must have authority to provide interexchange services from the Kentucky Public Service Commission.

**2.10 Terminal Equipment**

Company's facilities and service may be used with or terminated in Customer-provided terminal equipment or systems, such as PBXs, key systems, multiplexers, repeaters, signaling sets, teleprinters, handsets, or data sets. Such terminal equipment shall be furnished and maintained at the expense of the Customer, except as otherwise provided. Customer is responsible for all costs at his or her premises, including personnel, wiring, electrical power, and the like, incurred in the use of Company's service.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.***

**2.11 Cost of Collection and Repair**

Customer is responsible for any and all costs incurred in the collection of monies due the Company including legal and accounting expenses. The Customer is also responsible for recovery costs of Company-provided equipment and any expenses required for repair or replacement of damaged equipment.

**2.12 Restoration of Service**

Restoration of service shall be accomplished in accordance with Kentucky Public Service Commission and FCC rules and regulations.

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**SECTION 2 - RULES AND REGULATIONS, *cont'd.***

**2.13 Rules Applicable to Toll-Free Services**

- 2.13.1** The Company makes every effort to reserve toll-free (800/888) vanity numbers requested by Customers, but makes no guarantee or warranty that the requested number(s) will be available.
- 2.13.2** The Company will participate in porting toll-free numbers only if the account balance is zero and all charges incurred as a result of the toll free number have been paid.
- 2.13.3** If a Customer who has received a toll free number does not subscribe to toll-free 800/888 service within ninety (90) calendar days, the Company reserves the right to make the assigned number available for use by another Customer.
- 2.13.4** Toll free numbers shared by more than one Customer, whereby individual Customers are identified by a unique Personal Account Code, may not be assigned or transferred for use with service provided by another carrier. Subject to the limitations provided in this tariff, the Company will only honor Customer requests for a change in Resp. Org. or 800/888 service provider for toll free numbers dedicated to the sole use of that single Customer.

**2.14 Other Rules**

- 2.14.1** The Company may temporarily suspend service without notice to the Customer, by blocking traffic to certain cities or NXX exchanges, or by blocking calls using certain Personal Account codes when the Company deems it necessary to take such action to prevent unlawful use of its service. The Company will restore service as soon as service can be provided without undue risk of fraud.

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**SECTION 3 - RATES AND SERVICES**

**3.1 General**

Maxcess provides intrastate, interexchange telecommunications services between locations in Kentucky

**3.2 Timing of Calls**

Billing for calls placed over the network is based in part on the duration of the call.

**3.2.1** Timing for all calls begins when the called party answers the call (i.e. when two way communications are established.) Answer detection is based on standard industry answer detection methods, including hardware and software answer detection.

**3.2.2** Chargeable time for all calls ends when one of the parties disconnects from the call.

**3.2.3** Minimum call duration and additional increments for billing are specified in the description of each service.

**3.2.4** No charges apply to incomplete calls.

**3.2.5** When a call is established in one rate period and ends in another rate period, the rate in effect at the calling station applies to the entire call.

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**SECTION 3 - RATES AND SERVICES, *cont'd.***

**3.3 Rate Periods**

Maxcess' services are not time of day sensitive. The same rate applies 24 hours per day, 7 days per week.

**3.4 Maxcess Discount Calling Plans**

**3.4.1** Maxcess Discount Calling Plans are discount IntraLATA and InterLATA Long Distance Telecommunications Services offered to business and residence customers.

**3.4.2** A customer may only subscribe to one Maxcess Discount Calling Plan per main billing number at any given time.

**3.4.3** In order to receive reduced rates, some customers may commit, by signing a written agreement, to use the Company's services for a specified period of time. This term commitment may be for all or partial services provided by the Company but will usually indicate a minimum amount of billing each month for a specified time period. The Company maintains the right to, and customer may be invoiced for, the billing commitment for each month remaining on the written agreement should the customer fail to achieve the minimums or disconnect before the written term commitment expires. The Company will be entitled to payment up to a maximum of the overall commitment less all charges previously invoiced and paid by the Customer.

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**SECTION 3 - RATES AND SERVICES, *cont'd.*****3.4 Maxcess Discount Calling Plans, *cont'd.*****3.4.4 Velocity Plus Discount Schedule**

Discounts on rates for Maxcess Velocity Plus Service are available based on term and volume commitments. Volume is determined by the Customer's total monthly intraLATA and interLATA Maxcess toll billing to the same account. Toll service is also available on a month-to-month basis at non-discounted rates shown in this section of this tariff.

Monthly Volume Commitment	Term Commitment				
	One Year	Two Year	Three Year	Four Year	Five Year
\$ 5,000	10%	15%	20%	25%	30%
\$10,000	15%	20%	25%	30%	35%
\$25,000	20%	25%	30%	35%	40%
\$50,000	25%	30%	35%	40%	45%

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**SECTION 3 - RATES AND SERVICES, *cont'd.*****3.5 Maxcess Velocity Plus Switched Service**

Maxcess Velocity Plus Switched Service is offered to business and residential customers for both inbound and outbound, intraLATA and interLATA, calling over standard switched lines. Calls are billed in one (1) second increments after an initial minimum call duration of six (6) seconds. The following rates are not time of day sensitive or distance sensitive, and apply 24 hours per day, 7 days a week.

**3.5.1 Switched Direct Dial Usage Rate**

Per minute: \$0.1804

**3.5.2 Switched Toll Free Usage Rate**

Per minute: \$0.1804

**3.6 Maxcess Velocity Plus Dedicated Service**

Maxcess Velocity Plus Dedicated Service is offered to business and residential customers for both inbound and outbound, intraLATA and interLATA, calling over dedicated access lines. Calls are billed in one (1) second increments after an initial minimum call duration of six (6) seconds. The following rates are not time of day sensitive or distance sensitive, and apply 24 hours per day, 7 days a week.

**3.6.1 Dedicated Direct Dial Usage Rates**

Per minute: \$0.1069

**3.6.2 Dedicated Toll Free Usage Rates**

Per minute: \$0.1069

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**SECTION 3 - RATES AND SERVICES, *cont'd.*****3.7 Velocity Plus Calling Card Service**

This service permits the caller to charge the principal presubscribed location for a call while the caller is away from the principal location. The Customer may place calls from any touch tone phone in the U.S. by dialing a toll free "8XX" number and entering a personal identification code, followed by the desired telephone number. Calls are billed in six (6) second increments after an initial minimum call duration of thirty (30) seconds. The following rates are not time of day sensitive or distance sensitive, and apply 24 hours per day, 7 days a week. Calling card calls are billed at the rates shown below and appear on the Customer's monthly bill.

**3.7.1 Rates and Charges**

Rate per minute: \$0.15

Charge per call: \$0.10

**3.8 Directory Assistance**

The Company provides Directory Assistance as an ancillary service exclusively to its customers. Directory Assistance is accessible by dialing "1", the area code of the desired number and "555-1212". The customer may request up to two numbers per call to Directory Assistance.

Directory Assistance, per call \$1.00

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**SECTION 3 - RATES AND SERVICES, *cont'd.*****3.9 Maxcess Long Distance Operator Assistance Service**

Maxcess Long Distance Operator Assistance Service is available to Maxcess presubscribed Customers, Authorized Users and End Users.

Maxcess Long Distance Operator Assistance Service is offered for operator station-to-station and person-to-person calls. An operator station-to-station call is a call which is completed and/or billed with the assistance of a live or automated operator. An operator person-to-person call is a call placed under the stipulation that the caller will speak only to a specific called party station or department, or to an agreed upon substitute. An automated interface or live operator intervention is required on calls of this type to determine whether the specified called party is available to accept the calls, satisfying the stipulation under which the call was placed.

A per call service charge as specified below applies to Operator Assisted calls in addition to the per minute usage rates applicable to the Customer's outbound service as specified elsewhere in this tariff. Billing arrangements, whether collect, third party or to a calling card or credit card, are provided with this service.

<u>Applicable Service Charges</u>	<u>Per Call</u>
Live Operator Assisted call	\$3.00
Automated Operator Assisted call	\$1.00

**3.10 Operator Services to Aggregator Locations**

Operator Services are offered to Customers. Operator Services allow Customers and Consumers to place calls using operator assistance for call completion or billing.

Usage charges and an appropriate service charge will be assessed on a per call basis, as stated in this tariff. For calls made using a telephone company card, acceptance of the card will be dependent upon the Company's ability to verify the card as valid. Only those cards accepted by the Company may be used for Operator Services. The Company reserves the right to verify acceptance of charge prior to billing charges to a third party number.

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**SECTION 3 - RATES AND SERVICES, *cont'd.*****3.10 Operator Services to Aggregator Locations, *cont'd.***

- 3.10.1** Operator services may be used by the presubscribed Customer and by the Aggregator and their respective Consumers (i.e., patrons, guests, invitees or employees) to complete Person-to-Person, Collect, Third-Party, and/or Calling Card calls.
- 3.10.2** Charges for Operator Assisted Calls include two components: a usage-sensitive component based upon the time-of-day rate period, mileage, and duration of the call; and a fixed service charge based upon the type of operator service provided. A third component, the Operator Assisted 0- Surcharge, applies to calls for which the Customer/Consumer has the capability of dialing the destination number but elects to have the Company operator dial the number instead.
- 3.10.3** The Company may collect Location Surcharges on behalf of Subscribers. Location Surcharges apply on a per call basis and are included with usage charges on the End User's bill for Carrier's services. With respect to charges imposed by the Aggregator for the use of the telephone, the Aggregator is responsible for posting the charge in plain view at each telephone.
- 3.10.4** Service may be suspended by the Company, without notice to the Customer or the Aggregator, by blocking traffic to certain countries, cities, or NXX exchanges, or by blocking calls using certain Customer Authorization Codes, Calling Cards or credit cards, when the Company deems it necessary to take such action to prevent unlawful use of service. The Company shall restore service as soon as it can be provided without undue risk, and shall, upon request by the Customer affected, assign a new Authorization Code to replace the one that has been deactivated. The Company reserves the right to validate the credit worthiness of Customers through available credit card, Calling Card, called number, Third Party telephone number and room number verification procedures. Where a requested billing method cannot be validated, the Customer/Consumer may be required to provide an acceptable alternate billing method or the Company may refuse to place the call.
- 3.10.5** The Aggregator is responsible for payment of the Company's charges for all calls placed from the Aggregator's Premises except for Collect, Third Party, Calling Card and credit card calls. The Calling Card or credit card holder or local exchange company service subscriber is responsible for payment of the Company's charges for all calls billed to a Calling Card, credit card or a telephone line number, respectively.

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**SECTION 3 - RATES AND SERVICES, *cont'd.*****3.10 Operator Services to Aggregator Locations, *cont'd.*****3.10.6 Application of Per Call Service Charges**

The following per-call charges apply in addition to the per minute usage rates when applicable. These charges apply in all rate periods.

- A. Customer Dialed Calling/Credit Card Call** - This charge applies in addition to long distance usage charges for station to station calls billed to an authorized Calling Card or Commercial Credit Card. The Customer must dial the destination telephone number where the capability exists for the Customer to do so. A separate rate applies in the event operator assistance is requested for entering the Customer's card number for billing purposes.
- B. Operator Dialed Calling/Credit Card Call** - This charge applies in addition to long distance usage charges for station to station calls billed to an authorized telephone Calling Card or Commercial Credit Card and the operator dials the destination telephone number at the request of the Customer.
- C. Operator Station** - These charges apply in addition to long distance usage charges for non-Person-to-Person calls placed using the assistance of a Company operator and billed Collect, to a Third Party, by deposit of coins in Pay Telephones, or via some method other than a Calling Card or Commercial Credit Card.
- D. Person-to-Person** - This charge applies in addition to long distance usage charges for calls placed with the assistance of a Company operator to a particular party at the destination number. This charge applies regardless of billing method, including but not limited to billing to a Calling Card, Commercial Credit Card, Collect, by deposit of coins in Pay Telephones, or to a Third Party. Charges do not apply unless the specified party or an acceptable substitute is available.

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**SECTION 3 - RATES AND SERVICES, *cont'd.*****3.10 Operator Services to Aggregator Locations, (cont'd.)****3.10.7 Per Call Service Charges**

The following per-call charges apply in addition to the per minute usage rates when applicable. These charges apply in all rate periods.

**A. Service Charges**

	<u>AT &amp; T Card</u>	<u>Other Card</u>
<u>Customer Dialed Calling Card Station:</u>		
- Customer Dialed/Automated	\$2.25	\$4.95
- Customer Dialed & Operator Assisted	\$5.50	\$5.50
- Customer Dialed - Operator Must Assist	\$2.25	\$4.95
<u>Operator Dialed Calling Card Station:</u>	\$5.50	\$5.50
<u>Person to Person:</u>	\$9.95	\$9.95
<u>Operator Station:</u>	<u>Automated</u>	<u>Operator Assisted</u>
- Collect	\$3.95	\$5.50
- Billed to a Third Party	\$3.95	\$6.50
- Sent Paid Non-Coin	\$3.95	\$5.50

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**SECTION 3 - RATES AND SERVICES, *cont'd.*****3.10 Operator Services to Aggregator Locations, (cont'd.)****3.10.8 Per Minute Usage Charges**

Calls are billed in one (1) minute increments after an initial minimum call duration of one (1) minute. Partial minutes are rounded up to the next minute.

Initial Minute	Add'l Minute
\$0.6900	\$0.6900

**3.11 Busy Line Verification and Interrupt**

Busy Line Verification and Interrupt services are offered in areas where the service may be obtained from the local exchange carrier.

With Busy Line Verification (BLV), the Maxcess operator will contact the LEC operator to determine if the called number or line is in use. Only one BLV will be made per telephone call and an associated charge will apply whether or not conversation was detected on the line. The operator will not complete the call for the Customer initiating the verification request.

Busy Line Interrupt (BLI) allows the Maxcess operator to contact a LEC operator to interrupt a telephone conversation in progress, upon the caller's request and after a Busy Line Verification occurs. Upon the caller's request, the Maxcess operator will contact the LEC operator, who will interrupt the busy line and inform the called party that there is a call waiting from the caller. The LEC operator will not complete the call, but will only inform the called party of the request. If the call is released the Maxcess operator will offer to complete the call for the Customer initiating the interrupt request. An applicable service charge and applicable per minute charges will apply to the completed call. Only one BLI attempt will be made per telephone call and a charge will apply whether or not the called party releases the line.

Busy Line Verification, per request	\$6.50
Busy Line Interrupt, per request	\$6.50

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**SECTION 4 - CONTRACT SERVICES****4.1 Contract Services**

At the option of the Company, service may be offered on a contract basis to meet specialized requirements of the Customer not contemplated in this tariff. The terms of each contract shall be mutually agreed upon between the Customer and Company and may include discounts off the rates contained herein, waiver of recurring or nonrecurring charges, or other customized features. The terms of the contract may be based partially or completely on the term and volume commitment, type of originating or terminating access, mixture of services or other distinguishing features.

**4.2 Special Service Arrangements**

Where practicable, special service arrangements, not otherwise provided for in this tariff, will be furnished to the extent they are in accord with authorized service offerings, and if they are to be used with and not detrimental to, any of the services furnished by the Company. The Company, at its discretion, will provide such special service arrangements when the nature of the service to be furnished requires specific customer pricing. Charges for such special service arrangements will be based on the cost of furnishing them plus a sufficient amount to incorporate return and contingencies. Where applicable, the estimated cost will include the cost of equipment and materials specifically provided or used; installation costs, including engineering, labor supervision, transportation, rights-of-way and any other investment items required. Initial service periods exceeding one month may be necessary for facilities and equipment provided under a special service arrangement.

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**SECTION 5 - PROMOTIONS**

**5.1 Promotional Offerings - General**

From time to time, the Company may provide promotional offerings to introduce a current or potential Customer to a service not being used by the Customer. These offerings may be limited to certain dates, times or locations and may waive or reduce recurring or nonrecurring charges.

**5.2 Demonstration of Calls**

From time to time the Company shall demonstrate service by providing free test calls of up to four minutes in duration over its network.

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